

OGC HAS REVIEWED.

17 March 1950

MEMORANDUM FOR: Chief, Special Support Staff
Chief, Administrative Staff
Asst. Director for Operations
Asst. Director for Special Operations
Asst. Director for Policy Coordination
General Counsel ✓
Management Officer
Budget Officer
Personnel Director

SUBJECT: Effect of Temporary Duty or Leave in the United States
During Periods of Foreign Service

1. The Comptroller General has provided the ruling quoted below on the above subject:

"In 19 Comp. Gen. 750, referred to by you, it was held quoting from the syllabus:

'Section 22 of the act of February 23, 1931, 46 Stat. 1210, authorizing the Secretary of State to order to the United States on his statutory leave of absence, at Government expense, any Foreign Service officer or vice consul of career who has performed 3 years or more of continuous service abroad, does not require that an officer remain at all times physically present within the service abroad in order to meet the 'continuous service' requirement, and where an officer's temporary return to the United States for consultation purposes had direct connection with, or relation to, his assigned post of duty abroad, it did not constitute a break in his 'continuous service abroad' within the meaning of the section.'

"It is the view of this Office that in the absence of express legislative intent to the contrary the term 'continuous service abroad' as used in the Central Intelligence Agency Act reasonably and properly may be construed as requiring only continuous employment in the Central Intelligence Agency while under an assignment abroad and, as held in the above decision with respect to the Foreign Service, periods of consultation service in the United States under proper orders need not be considered as constituting a break in the continuity of service abroad and may be counted as part of the two years' continuous service. However, having in mind the evident intent of the law to relieve the hardship of prolonged absences from the United States, it appears reasonable to conclude that periods of annual or sick leave spent in the United States---* * * *

while they need not be held to constitute a break in the continuity of service abroad--should not be counted as service abroad. Compare 27 Comp. Gen. 720. * * * *

"* * * the amount of leave taken in the United States * * * * would not appear to be material except, of course, that it should not exceed the maximum amount of sick or annual leave which may be granted under the applicable annual and sick leave regulations."

2. Appropriate changes in administrative instructions will be issued in the near future.

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TRANSMITTAL SLIP		
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REMARKS:		
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FORM NO. 36-8
SEP 1948